Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1158
Riverside House, Sedgwick Lane, Horsham, West Sussex,

DESCRIPTION:

Confirmation that planning permission ref: DC/05/2013 (Alterations and roof extension to form first floor offices) was lawfully commenced and can be completed (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/05/2013	Alterations and roof extension to form first floor offices	Application Permitted on 02.11.2006

SITE LOCATION & APPLICATION DESCRIPTION

The application site, Riverside House, lies to the east of Sedgwick Lane, within the Parish of Nuthurst and in a countryside location, outside of the Built-Up Area Boundary. The site is not within a conservation area, there are no Article 4 Directions restricting development, and there are no enforcement notices covering the site

PLANNING ASSESSMENT

This application seeks a Certificate of Lawful Development (Proposed) to confirm that planning permission, reference DC/05/2013 (Alterations and roof extension to form first floor offices), was lawfully commenced and therefore can now be lawfully completed.

Article (2) of Section 192 of the Town and Country Planning Act 1990 states:

"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect, and in any case they shall refuse the application."

Article (5) of Section 193 of the Town and Country Planning Act 1990 states:

"A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certification"

A signed declaration from Mr Charles Edward Thatcher, Chairman and Shareholder of Mericab Power Engineering Ltd, has been submitted in support of this application. The declaration states that, following the granting of permission DC/05/2013, works commenced immediately. However, due to operational needs and business growth, only part of the approved scheme was completed, specifically the ground floor element alterations, with the intention to complete the remainder of the approved works at a later date. No further evidence, other than the signed declaration, has been submitted to confirm that works commenced before the expiry of the permission. However, a Google Street View image dated May 2009 shows the completed ground floor alterations, confirming that works were

undertaken within three years of the 2006 decision and therefore that the permission was implemented within the required timeframe.

Planning permission DC/05/2013, approved in 2006, related to alterations and a roof extension at *Riverside House*, comprising a single-storey extension with a pitched roof to the east elevation. The approved plans (reference KP1A) show alterations to the ground floor with the addition of a new first floor and hipped roof above, for continued B1/B8 use.

A site visit was undertaken to assess the current appearance of Riverside House. The inspection confirmed that the ground floor alterations correspond with those shown on the approved plans, including the position and form of the window, door, and large shutter on the north elevation. These appear unchanged from the 2009 Image. While some minor deviations in materials were observed, such as the use of brick windowsills, these are considered de minimis and it is also acknowledged that the consent was implemented approximately 19 years ago. It is therefore accepted that the development has been partially implemented in accordance with the approved plans.

Condition 7 of the original consent required the submission and approval of materials prior to commencement:

Condition 7 – No development shall be commenced unless and until a schedule of materials and samples of such materials and finishes and colours to be used for external walls and roof of the proposed building(s) have been submitted to and approved by the Local Planning Authority in writing and all materials used shall confirm to the approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy EDC1 of the Horsham District Local Plan 1997.

No applications seeking to discharge this condition was submitted. However, Condition 7 is not considered to be a condition precedent, as it does not go to the heart of the permission and as such, its non-compliance does not invalidate the planning permission. Moreover, as the approved development was implemented without the discharge of pre-commencement conditions, and this breach has persisted for over ten years without enforcement action, it is now immune from enforcement under Section 171B of the Town and Country Planning Act 1990.

Conclusion:

It is therefore concluded that planning permission DC/05/2013 was lawfully implemented and remains extant. Accordingly, the proposed completion of the approved works would be lawful, and the Certificate of Lawful Development should be granted.

Recommendation: Application Permitted

Conditions:

1 It has been demonstrated, on the balance of probability, that planning permission DC/05/2013 was lawfully implemented prior to the relevant date.

POSI TIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/1158
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Supporting Statement	NONE	29.08.2025
Supporting Docs	Declaration of Mr Charles Edward Thatcher	NONE	11.07.2025
Location & Block plan		KP1	30.07.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 10/11/2025

Authorising Officer sign/initial Tamara Dale Date: 10/11/2025